

SUMMARY OF CHANGES FOR 15-DAY COMMENT PERIOD HEALTH CARE LANGUAGE ASSISTANCE PROGRAM REGULATIONS

§2538.1 Authority and Purpose

- (a) Add “health” to word insurers
- (b) Add “by limited English proficient insureds”; delete “culturally competent”

§2538.2 Definitions

- (b) Delete definition of “health insurer” because it is defined above
- (New b) add reference to CIC §10133.8
- (New c) add “in their primary/preferred language”
- (New d) clarifies definition of “interpreting”; combines source and target language definitions.
- (i) Delete definition of “multiple languages”
- (l) Delete definition of “source language”
- (m) Delete definition of “target language”
- (New l) deletes “individual insurance policies and certificates of insurance” from definition of vital documents.
- (New l) add (6) which adds EOB or claims info if it requires a response.
- (New l) add (7) which adds a matrix to the documents considered vital documents.

§2538.3 Language Assistance Program

- (b) Adds the four elements required to be part of a LAP
- (c) Adds Commissioner developing a notice about availability of language assistance services and that health insurers shall provide the notice to insureds annually. Deletes requirement to file notice with DOI prior to use.
- (d) clarifies with whom and to whom compliance with the insurers LAP must apply. Adds clarification about amendments to contracts with providers and networks.

§2538.4 Needs Assessment of Insured Population

- (a) Delete requirement that survey material be printed in multiple languages

§2538.5 Written Translation of Vital Documents

- (a)(4) & (5) Delete this language and insert in new section 2538.2(l)(6)
- (b) Clarify the language in this section by rewording; does not change content
- (e) Add this language deleted from section 2838.5(a)(5)

§2538.6 Individual Access to Oral Interpretation Services

- (a) Adds clarification as to meaning of “timely”
- (b)(3) Add language to clarify the requirements of this section
- (4)(C) Delete “including certified sign language interpreters”
- (c) Changes the use of minors, family and friends as interpreters. Clarifies intent and specifics of this section. Adds language to “strongly discourage” use of family members and friends as interpreters rather than “prohibit”. Adds language to clarify use of a minor as an interpreter in emergency and non-emergency situations.

§2538.7 Health Insurer Monitoring, Evaluation & Reporting

- (a) Adds “network” to requirements for insurer policies and procedures

§2538.8 Department of Insurance Reporting

Adds to the Commissioners use of the reported information, “the development of forms to notify insureds of their rights under these regulations”.